

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

JAMES TERRENCE FAWCETT,

Plaintiff,

v.

CV 09-0191 MV/WPL

MIL MILITARY,

Defendant(s).

**MEMORANDUM OPINION AND ORDER**

THIS MATTER is before the Court on James Terrence Fawcett's complaint and motion to proceed *in forma pauperis*.

The affidavit in support of the *in forma pauperis* motion indicates that Fawcett is indigent. Therefore, the Court authorizes the filing of the complaint without payment of the filing fee. *See* 28 U.S.C. § 1915(a)(1).


A case that has been filed *in forma pauperis* must be dismissed if it is frivolous or fails to state a claim upon which relief may be granted. *Id.* § 1915(e)(2)(B)(i), (ii). To state a claim upon which relief may be granted, a complaint must contain sufficient facts to make a claim "plausible on its face." *Bell Atlantic Corp. v. Twombly*, 127 S. Ct. 1955, 1974 (2007). In other words, the "allegations must be enough to raise a right to relief above the speculative level." *Id.* at 1965. When, as here, a plaintiff is proceeding *pro se*, the complaint must be liberally construed and held to less stringent standards than formal pleadings drafted by lawyers. *Erickson v. Pardus*, 127 S. Ct. 2197, 2200 (2007).

Fawcett used the Court's form for civil rights complaints pursuant to 42 U.S.C. § 1983. However, the allegations in the complaint are not sufficient to raise a right to relief above the

speculative level. The body of the complaint names the defendants as “MIL MILITARY, P.O. Military” and “ILITARY.” The allegations in the complaint are not stated in complete sentences, but in inexplicable combinations of words, numbers, and letters. The request for relief is “BILBILLION BLOOD FIGHT.”

In short, Fawcett has not named a valid person or entity as a defendant, has not identified a violation of a constitutional right, has not stated any facts to support a claim, and has not sought any cognizable relief. Accordingly, this case must be dismissed for failure to state a claim.

IT IS THEREFORE ORDERED that the motion to proceed *in forma pauperis* is granted, and this case is dismissed without prejudice.

  
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MARTHA VAZQUEZ  
CHIEF UNITED STATES DISTRICT JUDGE